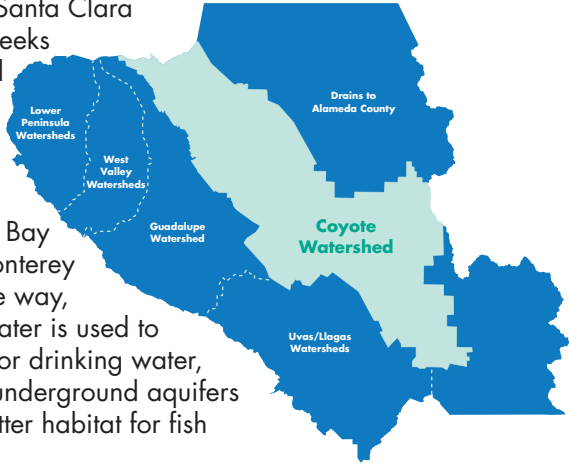


You're in a Watershed

No matter where you are, you're in a watershed. A watershed is the area of land that drains to a common waterway. In Santa Clara County, our creeks catch rain and runoff from storm drains and carry the water north to San Francisco Bay or south to Monterey Bay. Along the way, some of the water is used to fill reservoirs for drinking water, replenish the underground aquifers and create better habitat for fish and wildlife.

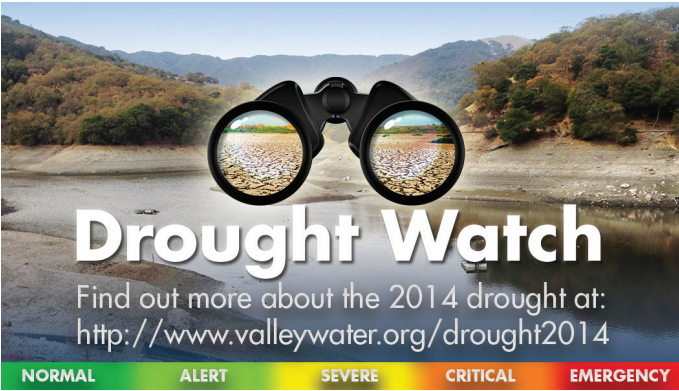


This project is in the Coyote Watershed. Sixteen major creeks drain this 350-square-mile-area. The county's largest watershed extends from the urbanized valley floor upward to the vast natural areas of the Mt. Hamilton range. Coyote Creek, its main waterway, is the longest creek in the county.

More about us

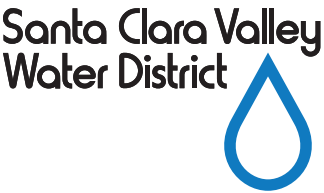
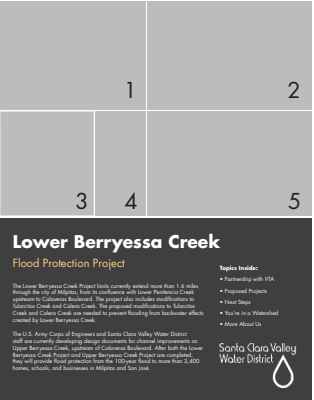
The Santa Clara Valley Water District manages an integrated water resources system that includes the supply of clean, safe water, flood protection and stewardship of streams on behalf of Santa Clara County's 1.8 million residents. The district effectively manages 10 dams and surface water reservoirs, three water treatment plants, an advanced recycled water purification center, a state-of-the-art water quality laborator, nearly 400 acres of groundwater recharge ponds and more than 275 miles of streams.

We provide wholesale water and groundwater management services to local municipalities and private water retailers who deliver drinking water directly to homes and businesses in Santa Clara County.

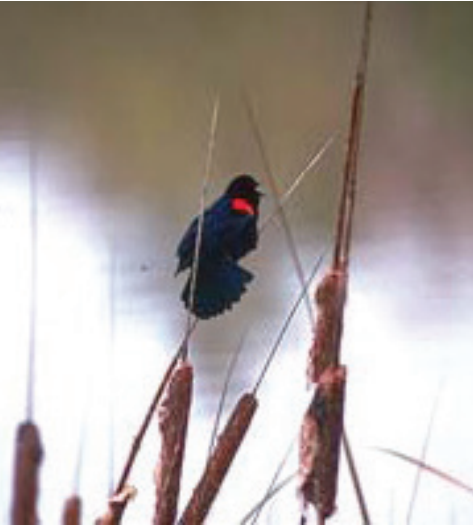
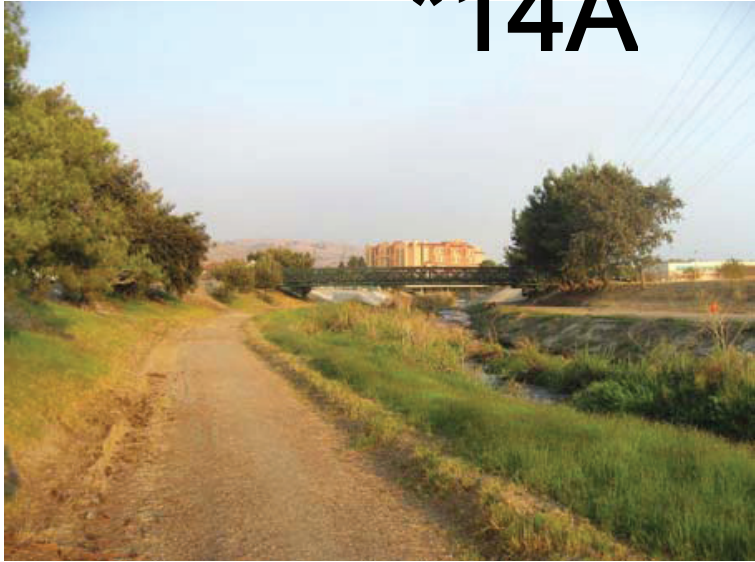


On the cover:

1. Flooding at Old Piedmont Road.
2. Lower Berryessa Creek facing towards Calera Creek, just west of the Union Pacific Railroad tracks.
3. Red-winged blackbird (*Agelaius phoeniceus*) on Guadalupe River in San Jose.
4. Great egret (*Casmerodius albus*) at Shoreline Park in Mountain View.
5. Lower Berryessa Creek facing South, at Milpitas Boulevard.



5750 Almaden Expwy
San Jose, CA 95118
www.valleywater.org



Lower Berryessa Creek

Flood Protection Project

The Lower Berryessa Creek Project limits currently extend more than 1.6 miles through the city of Milpitas, from its confluence with Lower Penitencia Creek upstream to Calaveras Boulevard. The project also includes modifications to Tularcitos Creek and Calera Creek. The proposed modifications to Tularcitos Creek and Calera Creek are needed to prevent flooding from backwater effects created by Lower Berryessa Creek.

The U.S. Army Corps of Engineers and Santa Clara Valley Water District staff are currently developing design documents for channel improvements on Upper Berryessa Creek, upstream of Calaveras Boulevard. After both the Lower Berryessa Creek Project and Upper Berryessa Creek Project are completed, they will provide flood protection from the 100-year flood to more than 3,400 homes, schools, and businesses in Milpitas and San José.

Topics Inside:

- Partnership with VTA
- Proposed Projects
- Next Steps
- You're in a Watershed
- More About Us



CONTACT US

For more information, contact **Ted Ibarra** at **(408) 630-2067**, or visit our website at valleywater.org and use our **Access Valley Water** customer request and information system. With three easy steps, you can use this service to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.

Follow us on:

- Facebook: /scvwd
- Twitter: /valleywater
- YouTube: /valleywater

Sign up for monthly eNews at info@valleywater.org

Lower Berryessa Creek flood protection project



LEGEND

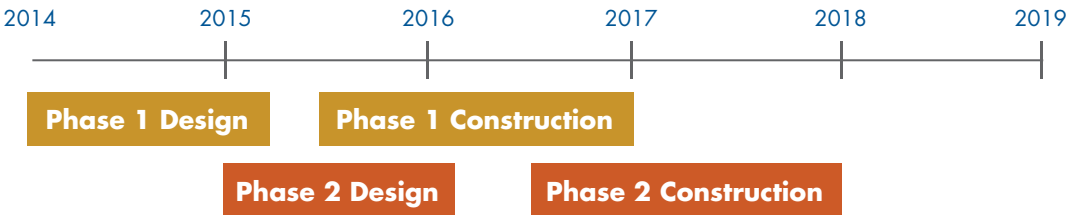
- A** Lower Berryessa Creek west of Union Pacific Railroad tracks.
- B** Lower Berryessa Creek at North Milpitas Boulevard.
- C** Calera Creek at North Milpitas Boulevard.
- D** Tularicitos Creek at Alcosta Drive.

The Lower Berryessa Creek Flood Protection Project extends approximately 1.7 miles through the city of Milpitas, from its confluence with Lower Penitencia Creek south to Calaveras Boulevard. More information can be found at:

www.valleywater.org/services/LowerBerryessaCreek.aspx

Project schedule

Calendar years



***Phase 3 Design:** Due to lack of funding, Phase 3 schedule implementation is yet to be determined.

Partnership with VTA

The water district established a partnership with the Santa Clara Valley Transportation Authority (VTA) to design and construct a new, wider and longer railroad crossing over Berryessa Creek near the Abel Street bridge. The VTA needs this new crossing to support the future Silicon Valley Rapid Transit Corridor Project a.k.a "BART" to Silicon Valley, and the water district needs it to safely convey flood flows. Construction of the bridge was completed in 2011.

Proposed projects

The proposed project design and construction would be performed in three phases:

Phase 1 - This phase would consist of the design and construction of the Lower Berryessa Creek project elements from the confluence at Lower Penitencia Creek to north of Abel Street.

Phase 2 - This phase would consist of design and construction of the Lower Berryessa Creek project element from Abel Street to Calaveras Boulevard. Construction of this project element must be completed prior to the completion of the Upper Berryessa Creek Project.

Phase 3 - This phase would consist of design and construction of Calera Creek from the Lower Berryessa Creek confluence to Interstate 680 and Tularcitos Creek from the Lower Berryessa Creek confluence to Interstate 680.

Design phases:

Phase 1 design: January 2014 through February 2015
Phase 2 design: January 2015 through January 2016
Phase 3 design: Not yet scheduled*

Construction phases:

Phase 1 construction: June 2015 through December 2016
Phase 2 construction: May 2016 through December 2017
Phase 3 construction: Not yet scheduled*

Next steps

Staff will develop design plans for construction of Phase 2.

Future improvements of Lower Berryessa Creek



A Photo rendering of Lower Berryessa Creek west of Union Pacific Railroad tracks



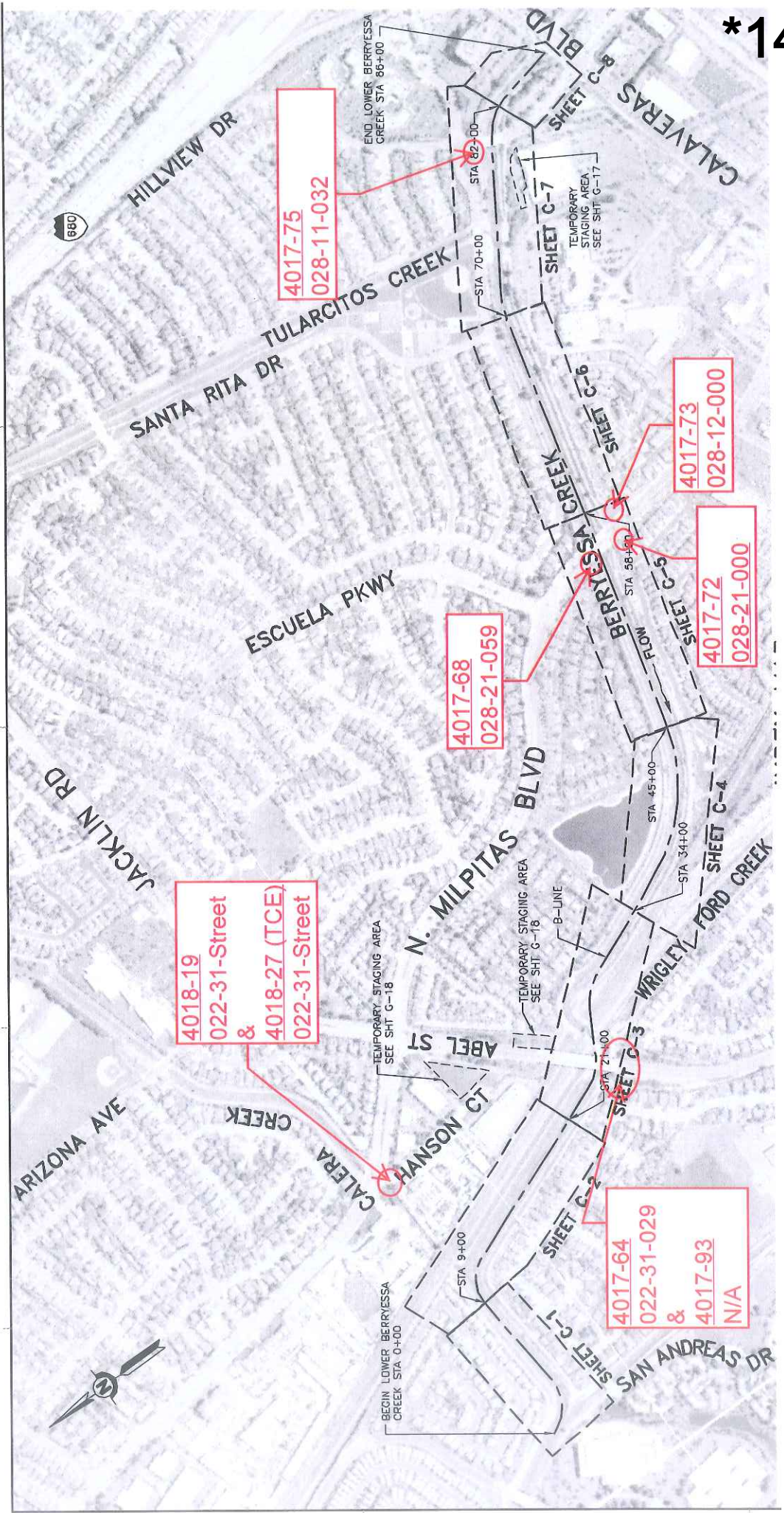
B Photo rendering of Lower Berryessa Creek at North Milpitas Boulevard



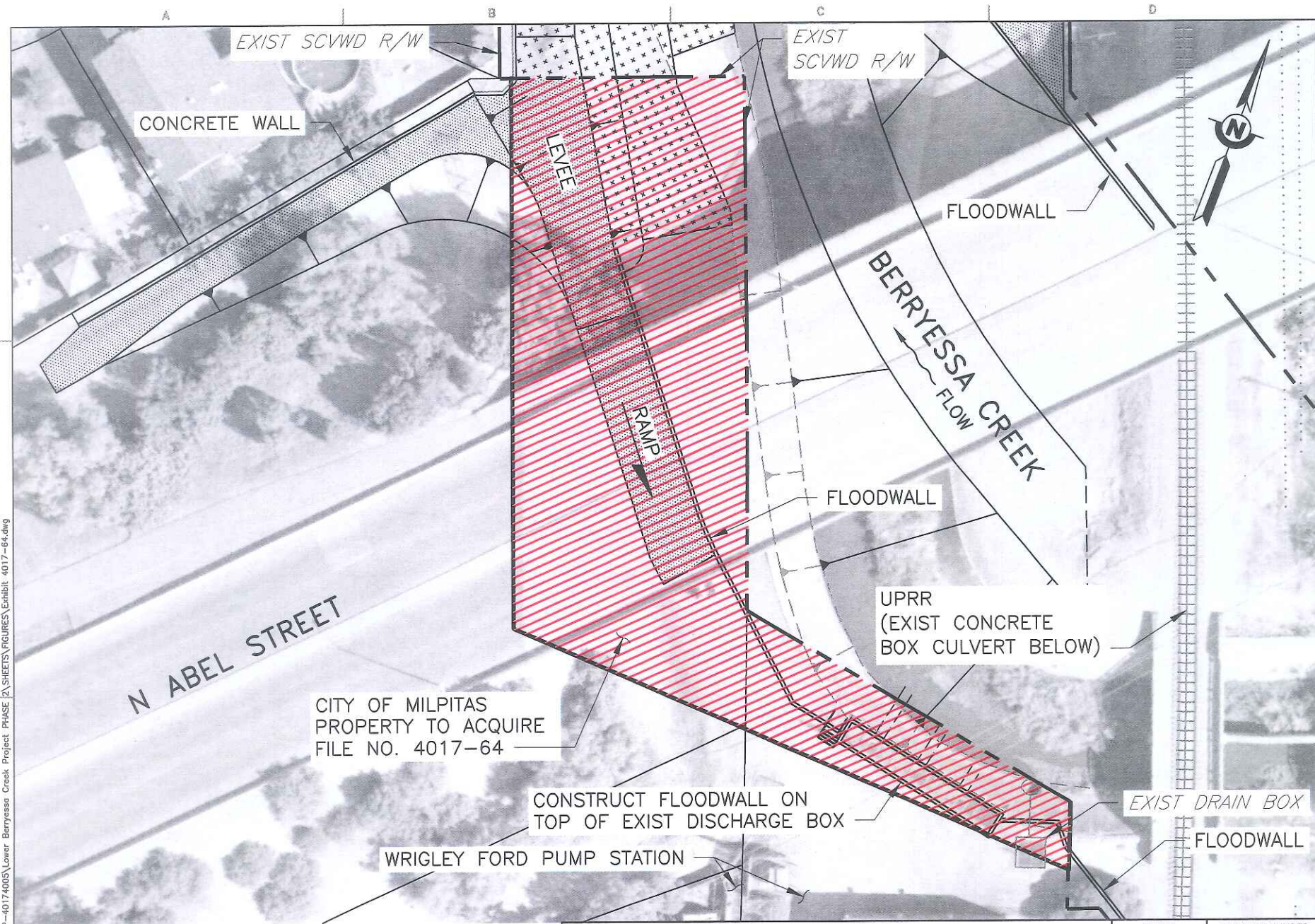
C Photo rendering of Calera Creek at North Milpitas Boulevard



D Photo rendering of Tularicitos Creek at Alcosta Drive



FILENAME: K:\Active Projects\MP-40174005\Lower Berryessa Creek Project Phase II\FIGURES\Exhibit 4017-64.dwg



PROJECT NAME AND SHEET DESCRIPTION:

LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT PHASE II

AT THE
WRIGLEY FORD PUMP STATION

SCALE
1" = 40'
VERIFY SCALES
0 1/2"
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

PROJECT NUMBER
40174005
FIGURE
4017-64
1 OF 6



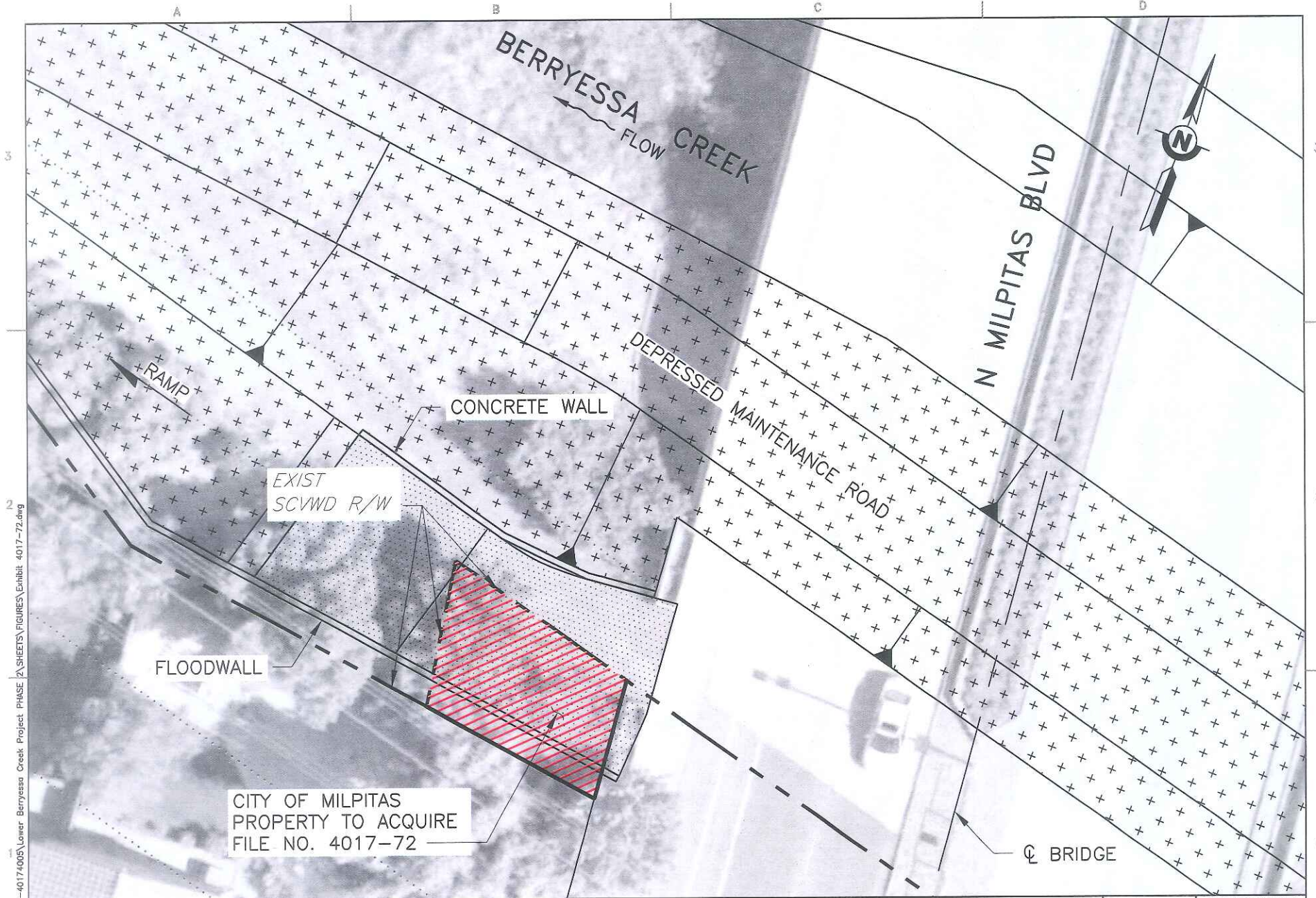
Santa Clara Valley Water District

PROJECT NAME AND SHEET DESCRIPTION:

LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT PHASE II

N MILPITAS BLVD
(NW CORNER)

SCALE 1" = 20'	PROJECT NUMBER 40174005
VERIFY SCALES 0 1/2" BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	FIGURE 4017-68 2 OF 6



CITY OF MILPITAS
PROPERTY TO ACQUIRE
FILE NO. 4017-72

PROJECT NAME AND SHEET DESCRIPTION:

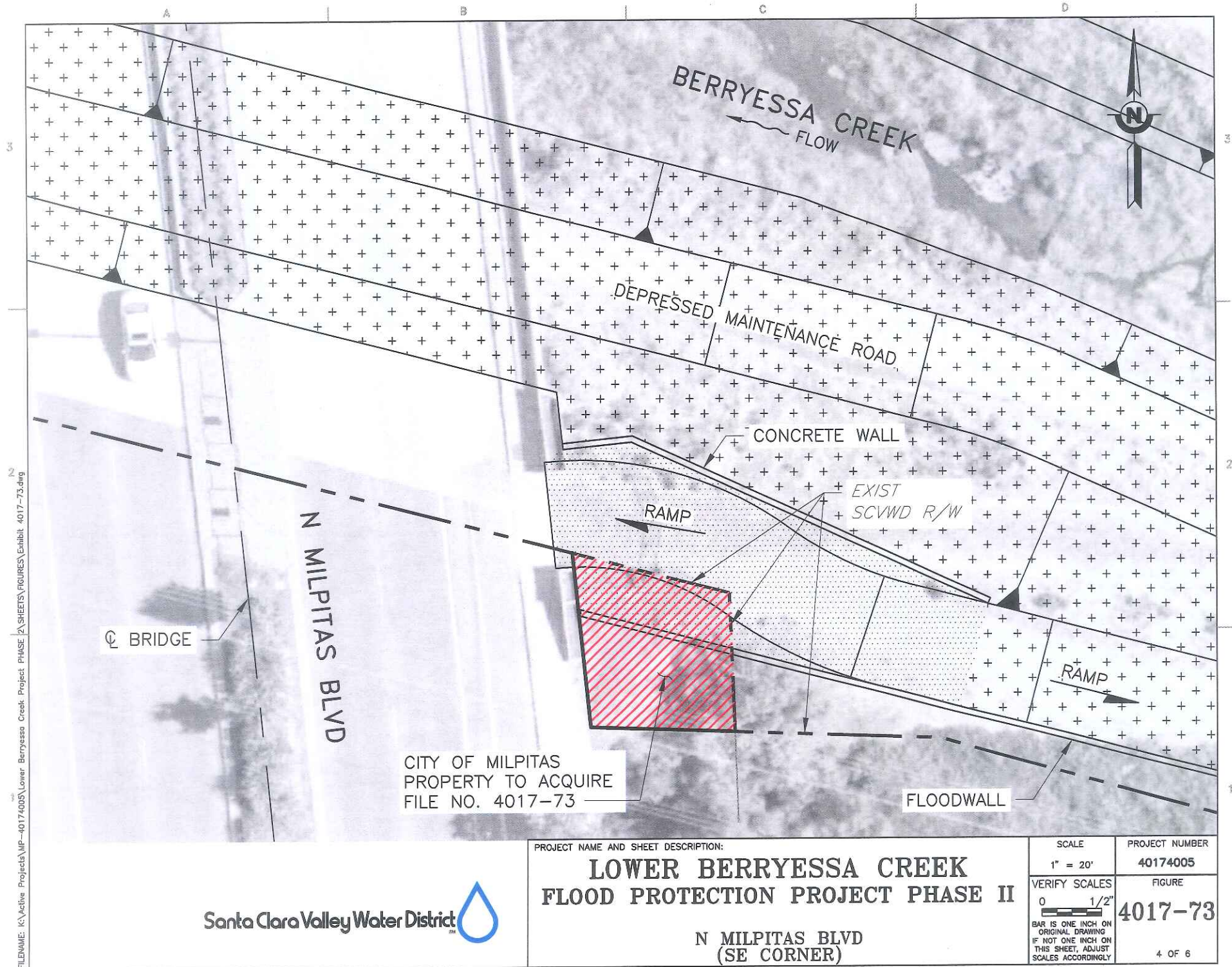
LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT PHASE II

**N MILPITAS BLVD
(SW CORNER)**

<p>SCALE 1" = 20'</p>	<p>PROJECT NUMBER 40174005</p>
<p>VERIFY SCALES 0 1/2" BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</p>	<p>FIGURE 4017-72 3 OF 6</p>



FILENAME: K:\Active Projects\MP-40174005\Lower Berryessa Creek Project PHASE II\FIGURES\FIGURES\Exhibit 4017-72.dwg



PROJECT NAME AND SHEET DESCRIPTION:

LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT PHASE II

**N MILPITAS BLVD
(SE CORNER)**

SCALE

1" = 20'

PROJECT NUMBER

40174005

VERIFY SCALES

0 1/2"
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

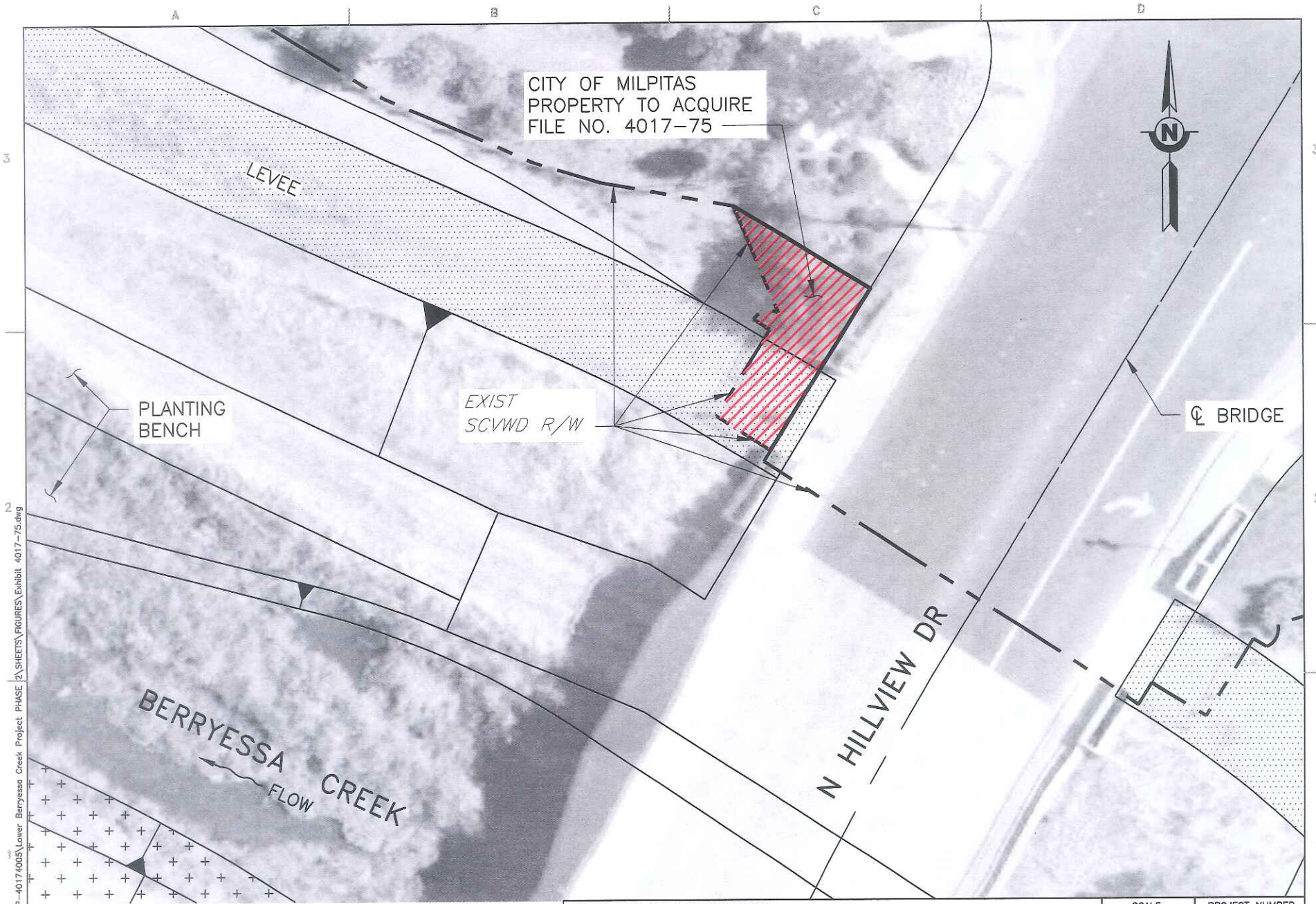
FIGURE

4017-73

4 OF 6

Santa Clara Valley Water District



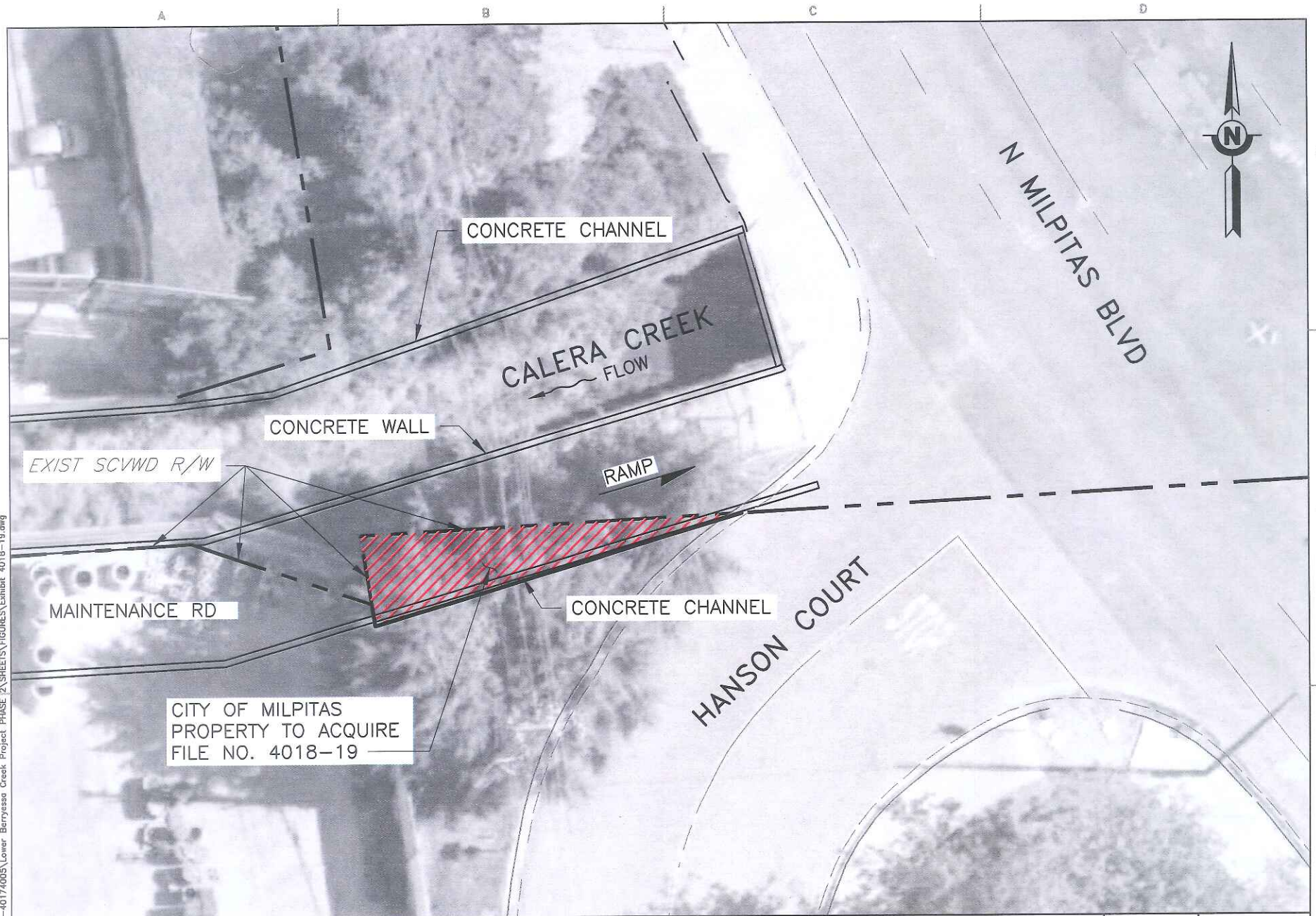


FILENAME: K:\Active Projects\MP-40174005\Lower Berryessa Creek Project PHASE II\FIGURES\FIGURE 4017-75.dwg



PROJECT NAME AND SHEET DESCRIPTION:		SCALE	PROJECT NUMBER
LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT PHASE II N HILLVIEW DR (NW CORNER)		1" = 20'	40174005
		VERIFY SCALES	FIGURE
		 <small>BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</small>	4017-75 5 OF 6

FILENAME: K:\Active Projects\WP-40174005\Lower Berryessa Creek Project PHASE II SHEETS\FIGURES\Exhibit 4018-19.dwg



PROJECT NAME AND SHEET DESCRIPTION:

LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT PHASE II

INTERSECTION OF HANSON COURT
AND N MILPITAS BLVD

SCALE

1" = 20'

PROJECT NUMBER

40174005

VERIFY SCALES

0 1/2"

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

FIGURE

4018-19

6 OF 6

April 26, 2016

Mr. Steven Machida, City Engineer
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Letter of Request for Easement Conveyance

Dear Mr. Machida:

As you are aware, our staff has been meeting monthly to discuss and resolve issues surrounding the acquisition of right of way for the Lower Berryessa Flood Protection Project - Phase 2 and the City's recreational trail. As previously discussed, the District officially requests conveyance of the following easements be dedicated to the District in support of our mutual interests:

SCVWD Real Estate File #	Assessor's Parcel Nos.	General Location
4018-19	022-31-000	Intersection of Hanson Court & N. Milpitas Blvd
4017-64	022-31-029	At the Wrigley Ford Pump Station
4017-68	028-21-059	Berryessa Creek/N. Milpitas Blvd(NW Corner)
4017-72	028-21-000	Berryessa Creek/N. Milpitas Blvd(SW Corner)
4017-73	028-12-000	Berryessa Creek/N. Milpitas Blvd (SE Corner)
4017-75	028-11-032	Berryessa Creek/N. Hillview Dr (NW Corner)
4017-93, (TCE)	N/A	Berryessa Creek/N. Abel St. (NW Corner)
4018-27, (TCE)	022-31-000	Calera Creek / N. Milpitas Blvd (SW Corner)
N/A	022-31-029	At the Hidden Lakes Pump Station (PG&E Easement for pole relocation)

Conveyance of the above referenced easements will allow for prosecution and completion of the project in a timely manner and will provide flood protection from the 100 year flood event and a recreation trail for the Milpitas community, and help to facilitate opening of the new Milpitas BART station as scheduled by the end of 2017.

To discuss the matter in greater detail, please contact me at (408) 630-3796 or email me at chakes@valleywater.org.

Sincerely,



Christopher Hakes
Engineering Unit Manager

cc: M. Richardson, S. Tippetts, C. Hakes, Y. Lee, S. Yung, File



RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN
EXPRESSWAY SAN JOSE,
CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 022-31-029, 022-05-080

DOCUMENT NO.: 4017-64

EASEMENT DEED

CITY OF MILPITAS, a municipal corporation, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of Milpitas, County of Santa Clara, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

District hereby agrees to indemnify, defend, and hold harmless, Grantor, its elected and appointed officials, officers, , employees and contractors against any and all claims, losses, demands, damages, cost, expenses or liability for injury to any persons or property, arising out of the maintenance, use of or operations or activities conducted in, on, or over the easement area, and/or the exercise of the rights under this easement by District, its agents, officers, employees, contractors, invitees, guests, or licensees. District's indemnity obligation shall not extend to any liability arising out of the active or sole negligence of Grantor, its elected and appointed officials, officers, agents, employees or contractors including the cost of defense of any lawsuit arising therefrom.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this day of 2016

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact _____

Signer is Representing (Name of Person(s) or Entity(ies))

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: BS
Date: 09/29/10

Revised By: CLM
Revision Date: 02/02/16

PROJECT: BERRYESSA CREEK
PROPERTY: CITY OF MILPITAS

APN: 022-31-029
RESU File No.: 4017-64

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS DESCRIBED AS "PARCEL 1" IN THE DEED RECORDED AS DOCUMENT NUMBER 12192136, AND ALSO BEING A PORTION OF THE LANDS DESCRIBED AS "PARCEL 315" IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED AS INSTRUMENT NUMBER 5634266, AND ALSO BEING A PORTION OF THE LANDS SHOWN AS NORTH ABEL STREET ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 334 OF MAPS AT PAGE 54, ALL DOCUMENTS ARE IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PERMANENT EASEMENT

COMMENCING AT THE INTERSECTION OF THE GENERAL NORTHERLY LINE OF NORTH ABEL STREET AS SHOWN ON SAID RECORD OF SURVEY WITH THE WESTERLY LINE OF THE LANDS GRANTED TO THE SANTA CLARA VALLEY WATER DISTRICT IN THE DEED RECORDED AS DOCUMENT NUMBER 5717846, SANTA CLARA COUNTY OFFICIAL RECORDS, SAID INTERSECTION ALSO BEING THE SOUTHEAST CORNER OF LOT 99 AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 2733" FILED IN BOOK 387 OF MAPS AT PAGES 46 AND 47, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID GENERAL NORTHERLY LINE OF SAID NORTH ABEL STREET, NORTH 68°36'50" EAST, 3.44 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID GENERAL NORTHERLY LINE, SOUTH 21°09'05" EAST, 169.31 FEET; THENCE SOUTH 87°17'11" EAST, 186.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID "PARCEL 1" AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5695.00 FEET, TO WHICH POINT A RADIAL LINE BEARS NORTH 70°17'57" EAST;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0°12'23", FOR AN ARC LENGTH OF 20.52 FEET;

THENCE LEAVING SAID EASTERLY LINE, ALONG THE NORTHERLY LINE OF SAID "PARCEL 1" NORTH 80°04'49" WEST, 115.61 FEET TO A POINT ON THE WESTERLY LINE OF THE LANDS GRANTED TO THE SANTA CLARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (NOW KNOWN AS SANTA CLARA VALLEY WATER DISTRICT) IN THE DEED RECORDED AS DOCUMENT NUMBER 1834742, SANTA CLARA COUNTY OFFICIAL RECORDS AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 5595.00 FEET, TO WHICH POINT A RADIAL LINE BEARS NORTH 69°30'14" EAST;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0°53'24", FOR AN ARC LENGTH OF 86.90 FEET;

EXHIBIT "A"
(CONTINUED)

THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 21°23'10" WEST, 77.78 FEET TO THE NORTH LINE OF SAID NORTH ABEL STREET;
THENCE ALONG SAID NORTH LINE SOUTH 68°36'50" WEST, 71.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.37 ACRES OF LAND, MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

BASIS OF BEARING:

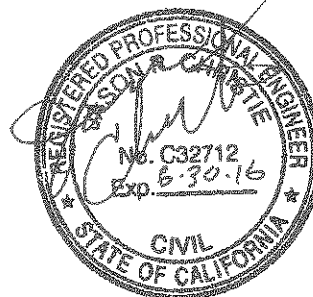
BEARINGS AND DISTANCES HEREIN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. MULTIPLY HEREIN DESCRIBED DISTANCES BY 1.000051723 TO OBTAIN GROUND DISTANCES.

SURVEYOR'S STATEMENT:

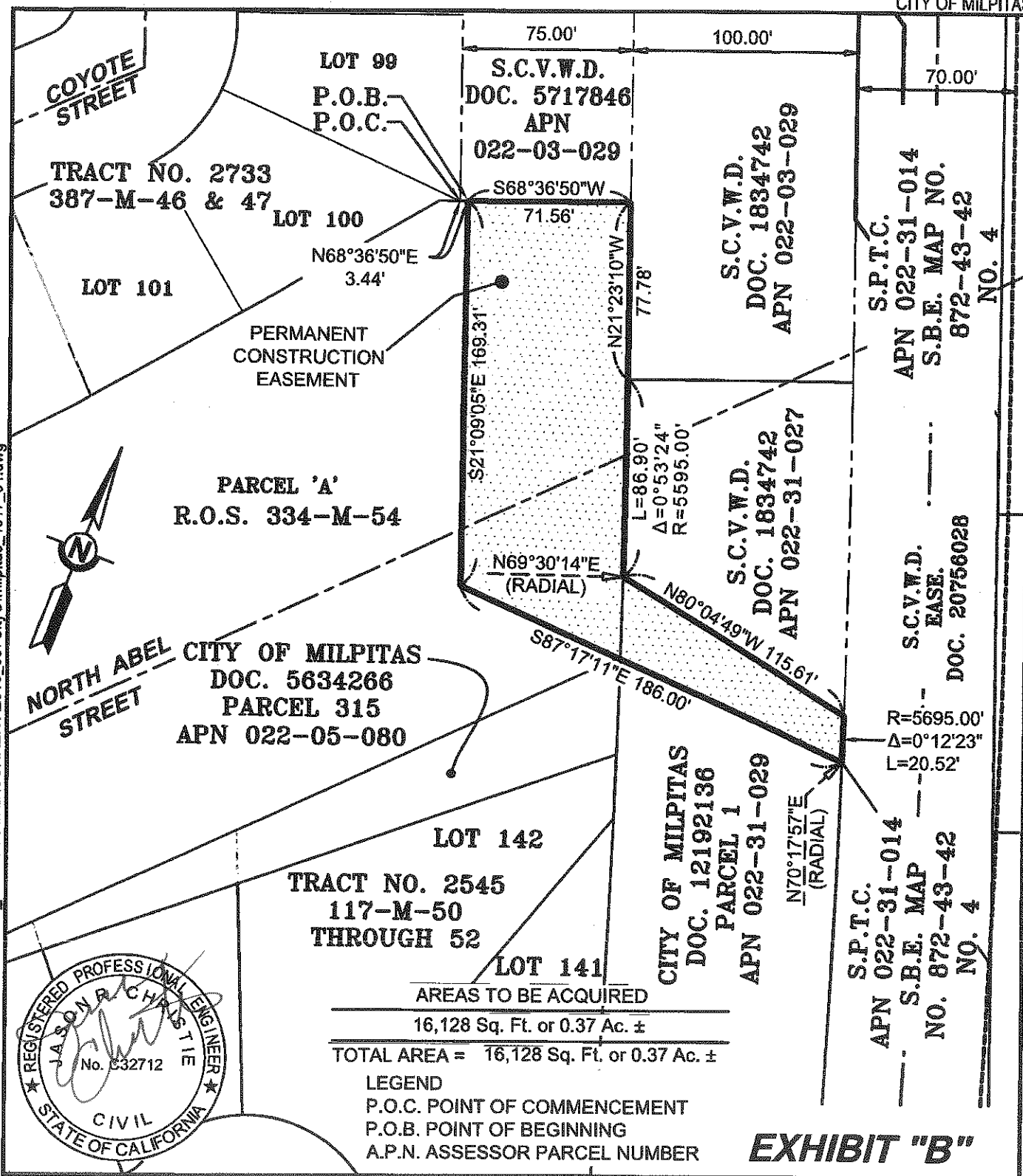
THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.


Jason R. Christie, C32712

April 21, 2016
Date



SCVWD W:\ROW00\PROJECTS\BERRYESSA CREEK\2016_057\AUTOCAD\CURRENT\2016_057CityOfMilpitas_4017_64.dwg



Santa Clara Valley Water District

SCALE: 1" = 60'

PROJ. NO.	4017
FILE NO.	64
APN	022-31-029
TITLE REPORT NO.	
DRAWN	CLM
DATE	02/09/16

REV.	BY	DATE	DESCRIPTION
1			
2			

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN
EXPRESSWAY SAN JOSE,
CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 028-21-059

DOCUMENT NO.: 4017-68

EASEMENT DEED

CITY OF MILPITAS, a municipal corporation, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of Milpitas, County of Santa Clara, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

District hereby agrees to indemnify, defend, and hold harmless, Grantor, its elected and appointed officials, officers, , employees and contractors against any and all claims, losses, demands, damages, cost, expenses or liability for injury to any persons or property, arising out of the maintenance, use of or operations or activities conducted in, on, or over the easement area, and/or the exercise of the rights under this easement by District, its agents, officers, employees, contractors, invitees, guests, or licensees. District's indemnity obligation shall not extend to any liability arising out of the active or sole negligence of Grantor, its elected and appointed officials, officers, agents, employees or contractors including the cost of defense of any lawsuit arising therefrom.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this day of 2016

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Trustee(s) |
| <input type="checkbox"/> Corporate Officer(s): _____ | <input type="checkbox"/> Guardian/Conservator |
| <input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Attorney-In-Fact _____ | |

Signer is Representing (Name of Person(s) or Entity(ies))

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: BS
Date: 12/06/10

Revised By: RPC
Revision Date: 19 APR 2016

PROJECT: BERRYESSA CREEK
PROPERTY: CITY OF MILPITAS

APN: 028-21-059
RESU File No.: 4017-68

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 18 AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 7142 HIDDEN LAKES VILLAGES VILLAGE 2", FILED IN BOOK 496 OF MAPS AT PAGE 43, IN THE OFFICE OF THE RECORDER, SANTA CLARA COUNTY RECORDS.

CONTAINING 633 SQUARE FEET, MORE OR LESS.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

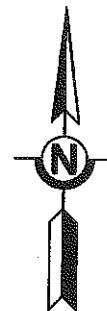
SURVEYOR'S STATEMENT:

THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.


Jason R. Christie, C32712

April 21, 2016
Date





FOLSOM COURT

TRACT 7142
HIDDEN LAKE VILLAGES
VILLAGE 2 - UNIT 2
496 - M - 43 to 45

STARR
DOC. 10797371
APN: 028-21-035

NORTH MILPITAS BLVD.

S.C.V.W.D.
DOC. 6136697
APN: 028-21-060
4017-48

CITY OF MILPITAS
DOC. 7289054
APN: 028-21-059

BERRYESSA CREEK



AREA TO BE ACQUIRED
TOTAL AREA = 633 Sq. Ft. or 0.015 Ac. ±

APN = ASSESSOR'S PARCEL NUMBER

EXHIBIT "B"

Santa Clara Valley Water District



SCALE: 1" = 30'

PROJ. NO.	4017
FILE NO.	68
APN	028-21-059
TITLE REPORT NO.	
DRAWN	B. Snyder
DATE	11/30/10

REV.	APPR.	DATE	DESCRIPTION
1	SJ	02/29	CHANGED DESCRIPTION, UPDATED SEAL
2	RPC	4/21/16	REVISED PER CITY OF MILPITAS REDLINES

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN
EXPRESSWAY SAN JOSE,
CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 028-00-000

DOCUMENT NO.: 4017-72

EASEMENT DEED

CITY OF MILPITAS, a municipal corporation, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of Milpitas, County of Santa Clara, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protection works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

District hereby agrees to indemnify, defend, and hold harmless, Grantor, its elected and appointed officials, officers, , employees and contractors against any and all claims, losses, demands, damages, cost, expenses or liability for injury to any persons or property, arising out of the maintenance, use of or operations or activities conducted in, on, or over the easement area, and/or the exercise of the rights under this easement by District, its agents, officers, employees, contractors, invitees, guests, or licensees. District's indemnity obligation shall not extend to any liability arising out of the active or sole negligence of Grantor, its elected and appointed officials, officers, agents, employees or contractors including the cost of defense of any lawsuit arising therefrom.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this day of 2016

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact _____

Signer is Representing (Name of Person(s) or Entity(ies))

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: BS
Date: 12/06/10

Revised By: RPC
Revision Date: 19 APR 2016

PROJECT: BERRYESSA CREEK
PROPERTY: CITY OF MILPITAS

APN: 028-21-000
RESU File No.: 4017-72

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS DESIGNATED AS NORTH MILPITAS BOULEVARD AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 6154", FILED IN BOOK 406 OF MAPS AT PAGE 34, IN THE OFFICE OF THE RECORDER, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 1 AS SHOWN ON SAID MAP, SAID NORTHEASTERLY CORNER ALSO BEING THE NORTHWESTERLY TERMINUS OF A COURSE SHOWN AS "NORTH 75°25'45" WEST, 91.50 FEET" AND BEING ON THE GENERAL NORTHEASTERLY LINE OF SAID TRACT;

THENCE ALONG SAID GENERAL NORTHEASTERLY LINE SOUTH 75°25'45" EAST, 32.83 FEET TO THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF NORTH MILPITAS BOULEVARD AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 8320" FILED IN BOOK 617 OF MAPS AT PAGE 10, SANTA CLARA COUNTY OFFICIAL RECORDS;

THENCE SOUTHERLY ALONG SAID NORTHERLY PROLONGATION, SOUTH 5°52'13" EAST, 19.24 FEET TO THE NORTHEASTERLY CORNER OF LOT 1 AS SHOWN ON SAID MAP OF TRACT 8320;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, NORTH 82°01'33" WEST, 30.07 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1 AS SHOWN ON SAID MAP ENTITLED "TRACT NO. 6154";

THENCE ALONG SAID EASTERLY LINE, NORTH 09°41'04" WEST, 23.56 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 634 SQUARE FEET, MORE OR LESS.

AS SHOWN UPON **EXHIBIT "B"**, ATTACHED HERETO AND MADE A PART HEREOF.

EXHIBIT "A"
(continued)

BASIS OF BEARING:

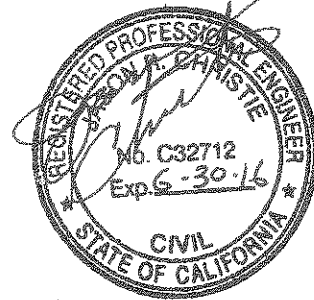
BEARINGS AND DISTANCES HEREIN ARE BASED ON THAT CERTAIN MAP ENTITLED "TRACT NO. 6154", FILED IN BOOK 406 OF MAPS AT PAGES 34, SANTA CLARA COUNTY RECORDS.

SURVEYOR'S STATEMENT:

THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.


Jason R. Christie, C32712

April 21, 2016
Date





BERRYESSA CREEK

S.C.V.W.D.
DOC. 5313086
APN: 028-21-060
4017-44

CITY OF MILPITAS

P.O.B.

S.C.V.W.D.
DOC. 6136697
APN: 028-21-060
4017-48

N75°25'45"W 91.50'

L1
L2
L3
L4

NE CORNER LOT 1
TRACT 8320

EDGEWATER DRIVE

XIAO
DOC. 20481950
APN: 028-27-001

NORTH MILPITAS
BOULEVARD

Abandoned pursuant to Sec. 66499.20 1/2
of the Subdivision Map Act 1990 Edition.
Boundary Line TRACT NO. 6154

55.00'

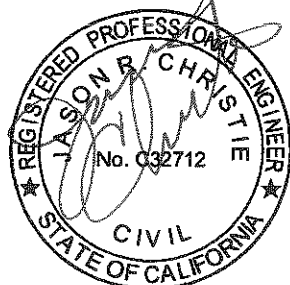
LINE TABLE		
LINE	BEARING	LENGTH
L1	S75°25'45"E	32.83'
L2	S05°52'13"E	19.24'
L3	N82°01'33"W	30.07'
L4	N09°41'04"W	23.56'

AREA TO BE ACQUIRED

TOTAL AREA = 634 Sq. Ft. or 0.015 Ac. ±

APN = ASSESSOR'S PARCEL NUMBER
P.O.B. = POINT OF BEGINNING

EXHIBIT "B"



Santa Clara Valley Water District



SCALE: 1"=30'

PROJ. NO.	4017
FILE NO.	72
APN	028-21-000
TITLE REPORT NO.	
DRAWN	B. Snyder
DATE	12/03/10

REV.	APPR.	DATE	DESCRIPTION
1		02/16	UPDATED SEAL - CLM
2	RPC	4/21/16	REVISED PER CITY OF MILPITAS REDLINES

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN
EXPRESSWAY SAN JOSE,
CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 028-12-000

DOCUMENT NO.: 4017-73

EASEMENT DEED

CITY OF MILPITAS, a municipal corporation, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of Milpitas, County of Santa Clara, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protection works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

District hereby agrees to indemnify, defend, and hold harmless, Grantor, its elected and appointed officials, officers, , employees and contractors against any and all claims, losses, demands, damages, cost, expenses or liability for injury to any persons or property, arising out of the maintenance, use of or operations or activities conducted in, on, or over the easement area, and/or the exercise of the rights under this easement by District, its agents, officers, employees, contractors, invitees, guests, or licensees. District's indemnity obligation shall not extend to any liability arising out of the active or sole negligence of Grantor, its elected and appointed officials, officers, agents, employees or contractors including the cost of defense of any lawsuit arising therefrom.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this day of 2016

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20____, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact _____

Signer is Representing (Name of Person(s) or Entity(ies))

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: BS
Date: 12/08/10

Revised By: CLM
Revision Date: 02/29/16

PROJECT: BERRYESSA CREEK
PROPERTY: CITY OF MILPITAS

APN: 028-12-000
RESU File No.: 4017-73

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS DESIGNATED AS NORTH MILPITAS BOULEVARD AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "TRACT NO. 6154", FILED IN BOOK 406 OF MAPS AT PAGE 34, IN THE OFFICE OF THE RECORDER, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 AS SHOWN ON SAID MAP, SAID CORNER BEING ON THE SOUTHWESTERLY LINE OF THE LANDS DESCRIBED AS PARCEL 1 IN THAT CERTAIN GRANT DEED TO THE SANTA CLARA VALLEY WATER DISTRICT RECORDED AS DOCUMENT NUMBER 5313086, SANTA CLARA COUNTY RECORDS;

THENCE ALONG WESTERLY LINE OF SAID LOT AND THE GENERAL EASTERLY LINE OF NORTH MILPITAS BOULEVARD AS SHOWN ON SAID MAP, SOUTH 02°09'04" EAST 23.57 FEET TO THE NORTHWESTERLY CORNER OF LOT "L" AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 8792" FILED IN BOOK 680 OF MAPS AT PAGE 25, SANTA CLARA COUNTY RECORDS;

THENCE LEAVING SAID WESTERLY LINE, ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID "LOT L", NORTH 88°00'26" WEST 24.27 FEET TO A POINT ON A LINE LYING PARALLEL WITH AND 55.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF NORTH MILPITAS BOULEVARD;

THENCE NORTHERLY ALONG SAID PARALLEL LINE, NORTH 05°52'13" WEST 29.74 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID PARCEL 1 OF THE LANDS OF THE SANTA CLARA VALLEY WATER DISTRICT AS DESCRIBED IN SAID DEED;

THENCE ALONG SAID SOUTHWESTERLY LINE, SOUTH 75°25'45" EAST 27.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 666 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
(CONTINUED)

BASIS OF BEARING:

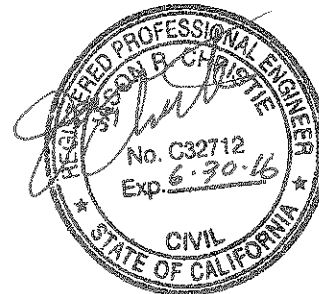
BEARINGS AND DISTANCES HEREIN ARE BASED ON THAT CERTAIN MAP ENTITLED "TRACT NO. 6154", FILED IN BOOK 406 OF MAPS AT PAGES 34, SANTA CLARA COUNTY RECORDS.

SURVEYOR'S STATEMENT:

THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.


Jason R. Christie, C32712

April 21, 2016
Date



S.C.V.W.D.
ESMT
DOC. 6337002

S.C.V.W.D.
DOC. 5313086
Parcel 1
APN 028-12-024



BERRYESSA CREEK

P.O.B.

NORTH MILPITAS
BOULEVARD

55.00'

S.C.V.W.D. Parcel 2
DOC. 6136697

N. LINE LOT L
680 M 25-37

TRACT NO. 6154
406-M-34 & 35
"LOT 4"

TRACT 8792
BERESFORD VILLAGE
680-M-25 to 37
"LOT L"

WESTERLY LINE LOT 4
BOUNDARY LINE N. MILPITAS BLVD.

LEGEND
P.O.B. POINT OF BEGINNING
A.P.N. ASSESSOR PARCEL NUMBER

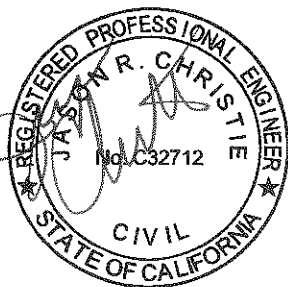
LINE TABLE		
LINE	BEARING	LENGTH
L1	S02°09'04"E	23.57'
L2	N88°00'26"W	24.27'
L3	N05°52'13"W	29.74'
L4	S75°25'45"E	27.29'

AREA TO BE ACQUIRED
TOTAL AREA = 666 Sq. Ft. or 0.015 Ac. ±

LOT 104

LOT 105

EXHIBIT "B"



Santa Clara Valley Water District

SCALE: 1"=30'

PROJ. NO.	4017
FILE NO.	73
APN	028-12-000
TITLE REPORT NO.	
DRAWN	B. Snyder
DATE	12/07/10

REV.	APPR.	DATE	DESCRIPTION
1		03/16	UPDATED SEAL, APNS AND DESCRIPTION
2			

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN
EXPRESSWAY SAN JOSE,
CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 028-11-032

DOCUMENT NO.: 4017-75

EASEMENT DEED

CITY OF MILPITAS, a municipal corporation, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of Milpitas, County of Santa Clara, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

District hereby agrees to indemnify, defend, and hold harmless, Grantor, its elected and appointed officials, officers, , employees and contractors against any and all claims, losses, demands, damages, cost, expenses or liability for injury to any persons or property, arising out of the maintenance, use of or operations or activities conducted in, on, or over the easement area, and/or the exercise of the rights under this easement by District, its agents, officers, employees, contractors, invitees, guests, or licensees. District's indemnity obligation shall not extend to any liability arising out of the active or sole negligence of Grantor, its elected and appointed officials, officers, agents, employees or contractors including the cost of defense of any lawsuit arising therefrom.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this day of 2016

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
 COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact _____

Signer is Representing (Name of Person(s) or Entity(ies))

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: BS
Date: 11/03/10

Revised By: CLM
Revision Date: 02/29/16

PROJECT: BERRYESSA CREEK
PROPERTY: CITY OF MILPITAS

APN: 028-11-032
RESU File No.: 4017-75

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LAND DESIGNATED LOT 109 AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 6150" FILED IN BOOK 466 OF MAPS AT PAGE 49, IN THE OFFICE OF THE RECORDER, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE GENERAL WESTERLY LINE OF HILLVIEW DRIVE AS SHOWN ON SAID MAP, WITH THE GENERAL SOUTHWESTERLY LINE OF SAID LOT 109;

THENCE ALONG SAID GENERAL SOUTHWESTERLY LINE THE FOLLOWING FIVE (5) COURSES:

1. NORTH 56°57'51" WEST 10.00 FEET;
2. THENCE NORTH 31°32'00" EAST 16.00 FEET;
3. THENCE NORTH 56°57'51" WEST 3.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 3.00 FEET, A RADIAL LINE BEARS NORTH 56°57'51" WEST;
4. THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 83°37'14", FOR AN ARC LENGTH OF 4.38 FEET;
5. THENCE NORTH 22°22'48" WEST 18.38 FEET;

THENCE LEAVING SAID GENERAL SOUTHWESTERLY LINE, SOUTH 58°28'00" EAST 25.10 FEET TO THE GENERAL WESTERLY LINE OF SAID HILLVIEW DRIVE;

THENCE ALONG SAID GENERAL WESTERLY LINE, SOUTH 31°32'00" WEST 30.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 390 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

BASIS OF BEARING:

BEARINGS AND DISTANCES HEREIN ARE BASED ON TRACT NO. 6150 FILED IN BOOK 466 OF MAPS AT PAGES 49, SANTA CLARA COUNTY OFFICIAL RECORDS.

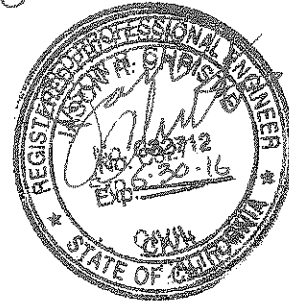
EXHIBIT "A"
(CONTINUED)

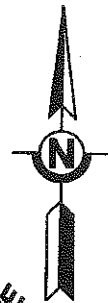
SURVEYOR'S STATEMENT:

THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN
CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

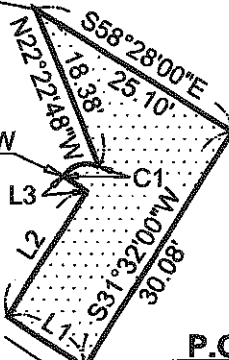

Jason R. Christie, C32712

April 21, 2016
Date



PASEO
REFUGIOTRACT No. 6150
466 - M - 49 TO 51
LOT 109CITY OF MILPITAS
DOC. 6780255
APN 028-11-032

HILLVIEW DRIVE

S.C.V.W.D.
DOC. 6324120
Parcel H-3S.C.V.W.D.
DOC. 5313086
Parcel 4BERRYESSA
CREEKS.C.V.W.D.
DOC. 5313086
Parcel 2
APN 028-12-003N56°57'51"W
RADIAL

P.O.B.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N56°57'51"W	10.00'
L2	N31°32'00"E	16.00'
L3	N56°57'51"W	3.00'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	3.00'	83°37'14"	4.38'

CITY OF MILPITAS
S.C.V.W.D. ESM'T
DOC. 6496178

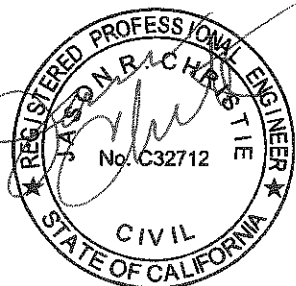
LEGEND

P.O.B. POINT OF BEGINNING

A.P.N. ASSESSOR PARCEL NUMBER

AREA TO BE ACQUIRED

TOTAL AREA = 390 Sq. Ft. or 0.009 Ac. ±

EXHIBIT "B"

Santa Clara Valley Water District



SCALE: 1" = 20'

PROJ. NO.	4017
FILE NO.	75
APN	028-11-032
TITLE REPORT NO.	
DRAWN	B. Snyder
DATE	11/02/10

REV.	APPR.	DATE	DESCRIPTION
1		02/29	UPDATED SEAL - CLM
2			

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN
EXPRESSWAY SAN JOSE,
CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 028-31-000

DOCUMENT NO.: 4018-19

EASEMENT DEED

CITY OF MILPITAS, a municipal corporation, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of Milpitas, County of Santa Clara, State of California, described as:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

District hereby agrees to indemnify, defend, and hold harmless, Grantor, its elected and appointed officials, officers, , employees and contractors against any and all claims, losses, demands, damages, cost, expenses or liability for injury to any persons or property, arising out of the maintenance, use of or operations or activities conducted in, on, or over the easement area, and/or the exercise of the rights under this easement by District, its agents, officers, employees, contractors, invitees, guests, or licensees. District's indemnity obligation shall not extend to any liability arising out of the active or sole negligence of Grantor, its elected and appointed officials, officers, agents, employees or contractors including the cost of defense of any lawsuit arising therefrom.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this day of 2016

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact _____

Signer is Representing (Name of Person(s) or Entity(ies))

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: CAA
Date: 03/22/2010

Revised By: RPC
Revision Date: 04/19/2016

PROJECT: CALERA CREEK
PROPERTY: CITY OF MILPITAS

APN: 022-31-000
RESU File No.: 4018-19

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF JACKLIN ROAD AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 344 OF MAPS, AT PAGE 3, IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF HANSON COURT, FORMERLY CALLED NORTH MAIN STREET, WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF JACKLIN ROAD AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 344 OF MAPS, AT PAGE 3, SANTA CLARA COUNTY RECORDS;

THENCE ALONG SAID PROLONGATION OF THE NORTHERLY LINE OF JACKLIN ROAD, NORTH 86°47'44" EAST 59.30 FEET;

THENCE LEAVING SAID PROLONGATION OF THE NORTHERLY LINE OF JACKLIN ROAD, SOUTH 73°09'15" WEST 59.57 FEET TO A POINT ON SAID WESTERLY LINE OF NORTH MAIN STREET (NOW CALLED HANSON COURT);

THENCE ALONG SAID WESTERLY LINE OF HANSON COURT, NORTH 08°56'29" WEST 14.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 417 SQUARE FEET MORE OR LESS.

AS SHOWN UPON **EXHIBIT "B"**, ATTACHED HERETO AND MADE A PART HEREOF.

BASIS OF BEARING:

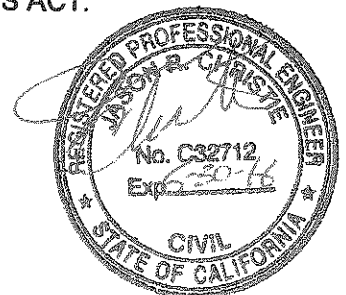
BEARINGS ARE BASED ON AND IDENTICAL TO THE RECORD OF SURVEY RECORDED IN BOOK 344 OF MAPS, AT PAGE 3, SANTA CLARA COUNTY RECORDS.

SURVEYOR'S STATEMENT:

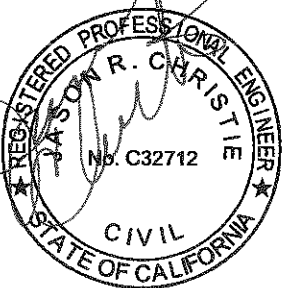
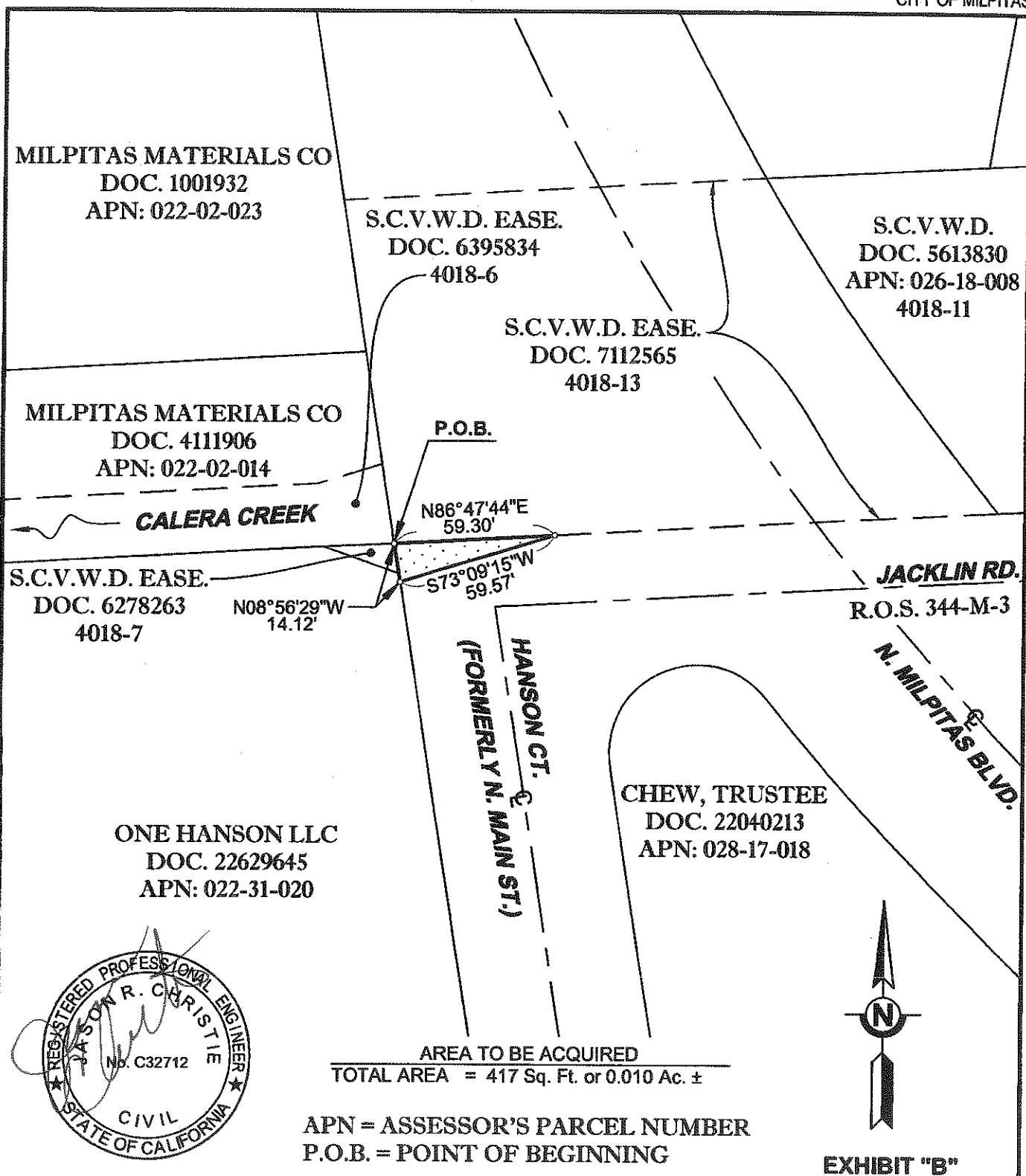
THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.


Jason R. Christie, C32712

April 21, 2016
Date



SC/VWD S:\REQUESTS\CALERA CREEK\2016_104\ROW\AUTOCAD\CURRENT\2016_104_4018_19_Plat 20160421.dwg



Santa Clara Valley Water District				SCALE: 1" = 50'		PROJ. NO.	4018
						FILE NO.	19
						APN	022-31-000
REV.	APPR.	DATE	DESCRIPTION			TITLE REPORT NO.	
1	SJ	02/26	SEPARATE PARCELS A AND B			DRAWN	CAA
2	RPC	4/21/16	REVISED PER CITY OF MILPITAS REDLINES			DATE	03/22/10

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY
SAN JOSE, CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 022-05-000

DOCUMENT NO.: 4017-93

TEMPORARY CONSTRUCTION EASEMENT

CITY OF MILPITAS, a municipal corporation hereinafter referred to as "Grantor," grants to the Santa Clara Valley Water District, a Special District, created by the California Legislature (District) hereinafter referred to as "Grantee," a temporary construction easement over, upon and across a portion of that real property in the City of Milpitas, County of Santa Clara, State of California, described as:

See Exhibit "A" attached hereto and made a part hereof.

This temporary construction easement is granted under the express conditions listed below:

1. Grantor represents and warrants that she/he is the owner of the property described in "Exhibit A" attached hereto and made a part hereof, and that Grantor has the exclusive right to grant the easement.
2. This easement is necessary for the purpose of constructing the Lower Berryessa Creek Project and related activities incident to construction. This temporary construction easement shall not be revoked and shall continue in full force and effect until such time the construction of the Lower Berryessa Creek Project has been completed at which time the temporary construction easement shall terminate.
3. Grantee agrees to use all reasonable efforts to keep the roadway covered by this easement open to traffic and to not interfere with residential occupants or construction activity of Grantor on site. Grantee will keep area covered by the easement clean and remove all debris related to its construction.
4. Grantee agrees to indemnify and hold harmless Grantor from and against any and all claims, damages, liabilities, costs or any expenses whatsoever, arising from or caused, directly or indirectly by the entry onto the property by Grantee or its agent's, employees, invitees, contractors and subcontractors.

DOCUMENT NO.: 4017-93

Dated this day of , 20

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Trustee (s) |
| <input type="checkbox"/> Corporate Officer(s): _____ | <input type="checkbox"/> Guardian/Conservator |
| <input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Attorney-In-Fact _____ | |

Signer is Representing (Name of Person[s] or Entity[ies])

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway
San Jose, CA 95118

Original By: BS
Date: 09/29/10

Revised By: CLM
Revision Date: 02/02/16

PROJECT: BERRYESSA CREEK
PROPERTY: CITY OF MILPITAS

APN: 022-32-000
RESU File No.: 4017-93

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS SHOWN AS NORTH ABEL STREET ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 334 OF MAPS AT PAGE 54, ALL DOCUMENTS ARE IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TEMPORARY CONSTRUCTION EASEMENT

BEGINNING AT THE INTERSECTION OF THE GENERAL NORTHERLY LINE OF NORTH ABEL STREET AS SHOWN ON SAID RECORD OF SURVEY WITH THE WESTERLY LINE OF THE LANDS GRANTED TO THE SANTA CLARA VALLEY WATER DISTRICT IN THE DEED RECORDED AS DOCUMENT NUMBER 5717846 OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS, SAID INTERSECTION ALSO BEING THE SOUTHEAST CORNER OF LOT 99 AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 2733" FILED IN BOOK 387 OF MAPS AT PAGES 46 AND 47, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID GENERAL NORTHERLY LINE OF SAID NORTH ABEL STREET, SOUTH $68^{\circ}36'50''$ WEST, 8.99 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH $38^{\circ}45'57''$ WEST, 150.00 FEET;
THENCE LEAVING SAID NORTHERLY LINE SOUTH $51^{\circ}14'03''$ EAST, 40.00 FEET;
THENCE PARALLEL WITH SAID NORTH LINE NORTH $38^{\circ}45'57''$ EAST, 82.21 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 34.00 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $120^{\circ}04'58''$, FOR AN ARC LENGTH OF 71.26 FEET;
THENCE NORTH $21^{\circ}09'05''$ WEST, 98.06 FEET TO SAID NORTHERLY LINE OF SAID NORTH ABEL STREET;
THENCE ALONG SAID NORTHERLY LINE, SOUTH $68^{\circ}36'50''$ WEST, 3.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.16 ACRES OF LAND, MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

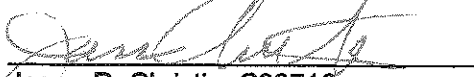
BASIS OF BEARING:

BEARINGS AND DISTANCES HEREIN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. MULTIPLY HEREIN DESCRIBED DISTANCES BY 1.000051723

EXHIBIT "A"
(CONTINUED)

SURVEYOR'S STATEMENT:

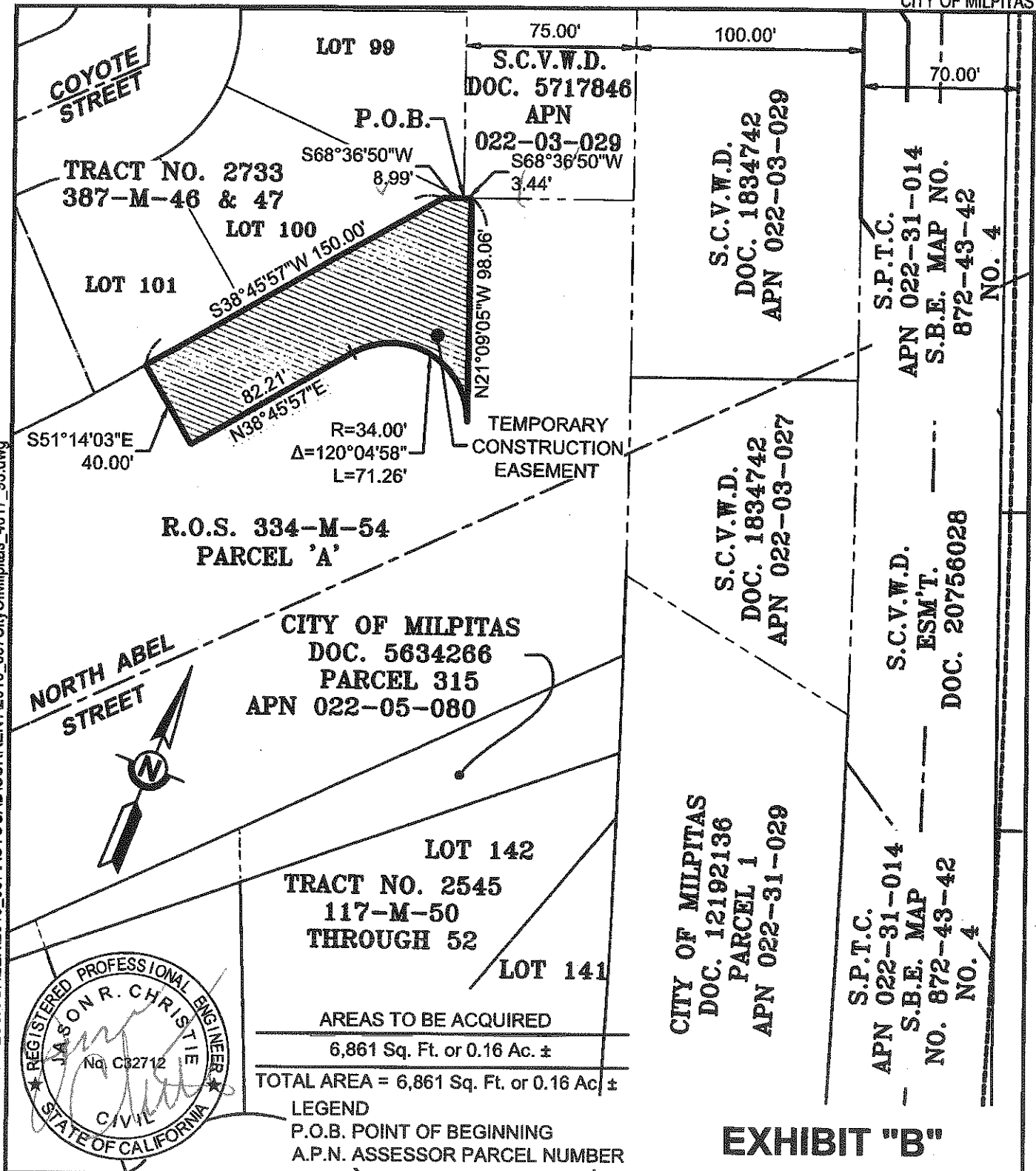
THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN
CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.


Jason R. Christie, C32712

April 21, 2016
Date



SCVWD W:\ROW00\PROJECTS\BERRYESSA CREEK\2016_057\AUTOCAD\CURRENT\2016_057CityOfMilpitas_4017 93.dwg



RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY
SAN JOSE, CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 022-31-000

DOCUMENT NO.: 4018-27

TEMPORARY CONSTRUCTION EASEMENT

CITY OF MILPITAS, a municipal corporation hereinafter referred to as "Grantor," grants to the Santa Clara Valley Water District, a Special District, created by the California Legislature (District) hereinafter referred to as "Grantee," a temporary construction easement over, upon and across a portion of that real property in the City of Milpitas, County of Santa Clara, State of California, described as:

See Exhibit "A" attached hereto and made a part hereof.

This temporary construction easement is granted under the express conditions listed below:

1. Grantor represents and warrants that she/he is the owner of the property described in "Exhibit A" attached hereto and made a part hereof, and that Grantor has the exclusive right to grant the easement.
2. This easement is necessary for the purpose of constructing the Lower Berryessa Creek Project and related activities incident to construction. This temporary construction easement shall not be revoked and shall continue in full force and effect until such time the construction of the Lower Berryessa Creek Project has been completed at which time the temporary construction easement shall terminate.
3. Grantee agrees to use all reasonable efforts to keep the roadway covered by this easement open to traffic and to not interfere with residential occupants or construction activity of Grantor on site. Grantee will keep area covered by the easement clean and remove all debris related to its construction.
4. Grantee agrees to indemnify and hold harmless Grantor from and against any and all claims, damages, liabilities, costs or any expenses whatsoever, arising from or caused, directly or indirectly by the entry onto the property by Grantee or its agent's, employees, invitees, contractors and subcontractors.

Dated this day of , 20

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20____, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Trustee (s) |
| <input type="checkbox"/> Corporate Officer(s): _____ | <input type="checkbox"/> Guardian/Conservator |
| <input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Attorney-In-Fact _____ | |

Signer is Representing (Name of Person[s] or Entity[ies])

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9th day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: _____, 20__

Santa Clara Valley Water District

By: _____
Chief Executive Officer/Clerk of the Board of Directors
(Strike out inapplicable one)

EXHIBIT "A"

SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway

San Jose, CA 95118

Original By: SJ
Date: 02/29/2016

Revised By: RPC
Revision Date: 04/20/2016

PROJECT: CALERA CREEK
PROPERTY: CITY OF MILPITAS

APN: 022-31-000
RESU File No.: 4018-27

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF JACKLIN ROAD AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 344 OF MAPS, AT PAGE 3, IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF HANSON COURT, FORMERLY CALLED NORTH MAIN STREET, WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF JACKLIN ROAD AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 344 OF MAPS, AT PAGE 3, SANTA CLARA COUNTY RECORDS;

THENCE ALONG SAID PROLONGATION OF THE NORTHERLY LINE OF JACKLIN ROAD, NORTH 86°47'44" EAST 59.30 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHERLY LINE OF JACKLIN ROAD, NORTH 86°47'44" EAST 63.60 FEET TO A POINT ON THE NORTHERLY LINE OF JACKLIN ROAD;

THENCE LEAVING SAID NORTHERLY LINE OF JACKLIN ROAD, SOUTH 73°09'15" WEST 123.46 FEET TO A POINT ON SAID WESTERLY LINE OF HANSON COURT;

THENCE ALONG SAID WESTERLY LINE OF HANSON COURT, NORTH 08°56'29" WEST 15.14 FEET;

THENCE LEAVING SAID WESTERLY LINE OF HANSON COURT, NORTH 73°09'15" EAST 59.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,373 SQUARE FEET MORE OR LESS.

AS SHOWN UPON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

EXHIBIT "A"
(continued)

BASIS OF BEARING:

BEARINGS HEREIN ARE BASED ON AND IDENTICAL TO THE RECORD OF SURVEY RECORDED IN BOOK 344 OF MAPS, AT PAGE 3, SANTA CLARA COUNTY RECORDS.

SURVEYOR'S STATEMENT:

THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.



Jason R. Christie, C32712

April 21, 2016
Date



MILPITAS MATERIALS CO
DOC. 1001932
APN: 022-02-023

S.C.V.W.D. EASE.
DOC. 6395834
4018-6

S.C.V.W.D.
DOC. 5613830
APN: 026-18-008
4018-11

MILPITAS MATERIALS CO
DOC. 4111906
APN: 022-02-014

S.C.V.W.D. EASE.
DOC. 7112565
4018-13

CALERA CREEK

S.C.V.W.D. EASE.
DOC. 6278263
4018-7

N08°56'29"W
15.14'

N86°47'44"E
59.30'

P.O.B.

N86°47'44"E
63.60'

S73°09'15"W
123.46'

JACKLIN RD.
R.O.S. 344-M-3

N. MILPITAS BLVD.

ONE HANSON LLC
DOC. 22629645
APN: 022-31-020

CHEW, TRUSTEE
DOC. 22040213
APN: 028-17-018

HANSON CT.
(FORMERLY N. MAIN ST.)



LINE TABLE		
LINE	BEARING	LENGTH
L1	N73°09'15"E	59.57

AREA TO BE ACQUIRED

TOTAL AREA = 1,373 Sq. Ft. or 0.032 Ac. ±

APN = ASSESSOR'S PARCEL NUMBER
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT

EXHIBIT "B"

Santa Clara Valley Water District



SCALE: 1" = 50'

PROJ. NO.	4018
FILE NO.	27
APN	022-31-000
TITLE REPORT NO.	
DRAWN	CAA
DATE	03/22/10

REV.	APPR.	DATE	DESCRIPTION
1	SJ	02/26	SEPARATE PARCELS A AND B
2	RPC	4/21/16	REVISED PER CITY OF MILPITAS REDLINES



May 4, 2016

Tom Williams
City Manager
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Lower Berryessa Creek Flood Protection Project - Request for Easements

Dear Mr. Williams:

As you are aware, the Santa Clara Valley Water District (District) has plans to construct improvements to Lower Berryessa Creek between North Abel Street and East Calaveras Boulevard beginning in late May 2016. When completed in 2017, the improvements will provide flood protection from the 100 year event and recreational trail opportunities for the Milpitas community.

It is my understanding that City staff is prepared to request that the City Council convey easement land rights to the District and Pacific Gas & Electric (PGE) at no cost to facilitate the construction of this project. The land rights consist of eight small easements located at corners where the creek intersects Hanson Court, North Abel Street, North Milpitas Blvd and North Hillview Drive. In addition, we are seeking an easement on behalf of PGE since an overhead line feeding the City's Hidden Lakes Pump Station needs to be realigned due to changes in the creek geometry. The Santa Clara Valley Water District appreciates the City's contribution to this significant project to provide flood protection to citizens of Milpitas.

City staff recently requested that the District convey easement land rights to the City for an existing water line crossing under Berryessa Creek. Just as the City Council must approve any conveyance of land rights requested by the District, the conveyance of land rights from the District to the City is subject to approval by the District's Board of Directors. Following receipt of the plat and description of the requested easement area from the City, District staff will prepare the deed and other appropriate conveyance documents for consideration by the Board. The Board may transfer to or exchange land rights with a city upon the terms and conditions agreed upon. The staff recommendation to the Board, which I support, will be that the waterline easement rights be granted at no cost to the City. Pending timely receipt of the plat and description for the waterline, I assure you that District staff will work diligently to complete the transfer and anticipate that the conveyance can be brought to our Board of Directors for approval within approximately 6 months.

I look forward to working with you on the host of mutual projects involving our agencies.

Sincerely,

Norma Camacho
Interim Chief Executive Officer

cc: M. Richardson, S. Tippets, C. Hakes